

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CHRISTINA L. OURS,

Plaintiff,

v.

CIVIL ACTION NO. 1:07cv112  
(Judge Keeley)

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S  
OPINION/REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on August 21, 2007, the Court referred this Social Security action to United States Magistrate John A. Kaull with directions to submit to the Court a recommendation for disposition. On September 10, 2008 Magistrate Judge Kaull filed his Report and Recommendation and directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation and further directed the parties that failure to file objections would result in a waiver of

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the right to appeal from the judgment of this Court. The parties did not file any objections.

Upon consideration of Magistrate Judge Kaull's report and recommendation and having received no written objections,<sup>1</sup> the Court accepts the Report and Recommendation. Therefore, it is **ORDERED** that Magistrate Judge Kaull's Report and Recommendation be, and accepted in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate. Accordingly,

1. The defendant's motion for Summary Judgment (Docket No. 17) is **GRANTED**;
2. the plaintiff's motion for Summary Judgment (Docket No. 16) is **DENIED**; and
3. this civil action is **DISMISSED WITH PREJUDICE** and **RETIRED** from the docket of this Court.

The Clerk of Court is directed to enter a separate judgment order. Fed.R.Civ.P. 58.

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<sup>1</sup> The parties' failure to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4<sup>th</sup> Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

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The Clerk of the Court is directed to transmit copies of this Order to counsel of record.

DATED: September 30, 2008

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE